

## **IC 22-6-6**

### **Chapter 6. Right to Work**

#### **IC 22-6-6-1**

##### **Application of chapter**

Sec. 1. This chapter does not apply to the following:

- (1) An employee of the United States or a wholly owned corporation of the United States.
- (2) An:
  - (A) employee; and
  - (B) employer;subject to the federal Railway Labor Act (45 U.S.C. 151 et seq.).
- (3) An employee employed on property over which the United States government has exclusive jurisdiction for the purpose of labor relations.
- (4) An employee of the state.
- (5) An employee of a political subdivision (as defined in IC 36-1-2-13).

*As added by P.L.2-2012, SEC.1.*

#### **IC 22-6-6-2**

##### **Conflicts with or preempted by federal law; effect**

Sec. 2. This chapter does not apply to the extent that it:

- (1) conflicts with; or
- (2) is preempted by;

federal law.

*As added by P.L.2-2012, SEC.1.*

#### **IC 22-6-6-3**

##### **Application of law to collective bargaining and collective bargaining agreements in building and construction industry**

Sec. 3. Nothing in this chapter is intended, or should be construed, to change or affect any law concerning collective bargaining or collective bargaining agreements in the building and construction industry other than:

- (1) a law that permits agreements that would require membership in a labor organization;
- (2) a law that permits agreements that would require the payment of dues, fees, assessments, or other charges of any kind or amount to a labor organization; or
- (3) a law that permits agreements that would require the payment to a charity or a third party of an amount that is equivalent to or a pro rata part of dues, fees, assessment, or other charges required of members of a labor organization;

as a condition of employment.

*As added by P.L.2-2012, SEC.1.*

**IC 22-6-6-4****"Employer"**

Sec. 4. As used in this chapter, "employer" means:

- (1) a person employing at least one (1) individual in Indiana; or
- (2) an agent of an employer described in subdivision (1).

*As added by P.L.2-2012, SEC.1.*

**IC 22-6-6-5****"Labor organization"**

Sec. 5. As used in this chapter, "labor organization" means:

- (1) an organization;
- (2) an agency;
- (3) a union; or
- (4) an employee representation committee;

that exists, in whole or in part, to assist employees in negotiating with employers concerning grievances, labor disputes, wages, rates of pay, or other terms or conditions of employment.

*As added by P.L.2-2012, SEC.1.*

**IC 22-6-6-6****"Person"**

Sec. 6. As used in this chapter, "person" means:

- (1) an individual;
- (2) a proprietorship;
- (3) a partnership;
- (4) a firm;
- (5) an association;
- (6) a corporation;
- (7) a labor organization; or
- (8) another legal entity.

*As added by P.L.2-2012, SEC.1.*

**IC 22-6-6-7****"The state"**

Sec. 7. As used in this chapter, "the state" includes:

- (1) a board;
- (2) a branch;
- (3) a commission;
- (4) a department;
- (5) a division;
- (6) a bureau;
- (7) a committee;
- (8) an agency;
- (9) an institution (including a state educational institution as defined in IC 21-7-13-32);
- (10) an authority; or
- (11) another instrumentality;

of the state.

*As added by P.L.2-2012, SEC.1.*

#### **IC 22-6-6-8**

##### **Certain practices as condition of employment forbidden**

Sec. 8. A person may not require an individual to:

- (1) become or remain a member of a labor organization;
- (2) pay dues, fees, assessments, or other charges of any kind or amount to a labor organization; or
- (3) pay to a charity or third party an amount that is equivalent to or a pro rata part of dues, fees, assessments, or other charges required of members of a labor organization;

as a condition of employment or continuation of employment.

*As added by P.L.2-2012, SEC.1.*

#### **IC 22-6-6-9**

##### **Void contracts, agreements, understanding, or practices**

Sec. 9. A contract, agreement, understanding, or practice, written or oral, express or implied, between:

- (1) a labor organization; and
- (2) an employer;

that violates section 8 of this chapter is unlawful and void.

*As added by P.L.2-2012, SEC.1.*

#### **IC 22-6-6-10**

##### **Violations; criminal penalties**

Sec. 10. A person that knowingly or intentionally, directly or indirectly, violates section 8 of this chapter commits a Class A misdemeanor.

*As added by P.L.2-2012, SEC.1.*

#### **IC 22-6-6-11**

##### **Violations; filing complaint with attorney general, prosecuting attorney, or department of labor**

Sec. 11. An individual who is employed by an employer may file a complaint that alleges a violation or threatened violation of this chapter with the attorney general, the department of labor, or the prosecuting attorney of the county in which the individual is employed. Upon receiving a complaint under this section, the attorney general, department of labor, or prosecuting attorney may:

- (1) investigate the complaint; and
- (2) enforce compliance if a violation of this chapter is found.

In addition to any other remedy available under this chapter, if the department of labor determines that a violation or a threatened violation of this chapter has occurred, the department of labor may issue an administrative order providing for any of the civil remedies described in section 12 of this chapter. The department of labor may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to carry out its responsibilities under this chapter.

*As added by P.L.2-2012, SEC.1.*

#### **IC 22-6-6-12**

##### **Civil actions and remedies**

Sec. 12. (a) If an individual suffers an injury:

- (1) as the result of any act or practice that violates this chapter;  
or
- (2) from a threatened violation of this chapter;

the individual may bring a civil action.

(b) A court may order an award of any or all of the following to an individual who prevails in an action under subsection (a):

- (1) The greater of:
  - (A) actual and consequential damages resulting from the violation or threatened violation; or
  - (B) liquidated damages of not more than one thousand dollars (\$1,000).
- (2) Reasonable attorney's fees, litigation expenses, and costs.
- (3) Declaratory or equitable relief, including injunctive relief.
- (4) Other relief the court considers proper.

(c) The remedies and penalties set forth in subsection (b) are:

- (1) cumulative; and
- (2) in addition to other remedies and penalties imposed for a violation of this chapter.

*As added by P.L.2-2012, SEC.1.*

#### **IC 22-6-6-13**

##### **Effective date of application of statutes to contracts**

Sec. 13. Sections 8 through 12 of this chapter:

- (1) apply to a written or oral contract or agreement entered into, modified, renewed, or extended after March 14, 2012; and
- (2) do not apply to or abrogate a written or oral contract or agreement in effect on March 14, 2012.

*As added by P.L.2-2012, SEC.1.*